

JUN 1 2008

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 6014

FREEDOM'S WATCH, INC

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

In this case, the complainant alleges that Freedom's Watch, Inc ("the respondent") failed to file three electioneering communication reports between April 22, 2008 and May 3, 2008, violating 2 U S C § 434(f). Specifically, the respondent aired three television advertisements referring to clearly identified candidates for Congress, in those candidates' respective congressional districts, within sixty days of their special runoff elections.<sup>1</sup> The complainant further alleges that the respondent spent more than \$600,000 on just two of the advertisements.

Although the Commission has not yet received a response from the respondent, it appears that this complaint arose out of a technical problem at the Commission, and not due to any error on the part of the respondent. Although the disclosure reports were not timely posted to the FEC database, the respondent did timely file the three electioneering communication reports at issue.

<sup>1</sup> The advertisements at issue were (1) "Health Care," on April 22, 2008, (2) "In G-d We Trust," on April 29, 2008, and (3) "Obama," on May 2, 2008.

In light of the fact that the delay in the publication of the disclosure reports was the result of a technical problem on the part of the Commission and not that of the respondent, the Office of General Counsel recommends that the Commission exercise its prosecutorial discretion and dismiss this matter. See *Heckler v Chaney*, 470 U S 821 (1985)


**RECOMMENDATION**

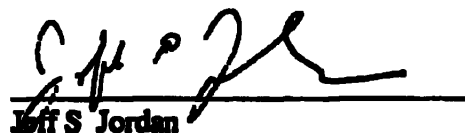
The Office of General Counsel recommends that the Commission dismiss MUR 6014, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters

Thomasenia P Duncan  
General Counsel

6/13/08  
Date

BY

  
\_\_\_\_\_  
Gregory Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
\_\_\_\_\_  
Jeff S Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

  
\_\_\_\_\_  
Margaret Ritzert  
Intern

Attachment  
Narrative in MUR 6014

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3  
4 **MUR 6014**

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6 **Complainant**            **Brian Wolff**  
7                                **Democratic Congressional Campaign Committee**

8  
9 **Respondent**            **Freedom's Watch, Inc**

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11 **Allegations** The complainant alleges that Freedom's Watch, Inc ("the respondent") failed to  
12 file three electioneering communication reports between April 22, 2008 and May 3, 2008,  
13 violating 2 U S C § 434(f) Specifically, the respondent aired three television advertisements  
14 referring to clearly identified candidates for Congress, in those candidates' respective  
15 congressional districts, within sixty days of their special runoff elections <sup>1</sup> The complainant  
16 further alleges that the respondent spent more than \$600,000 on just two of the advertisements  
17

18 **Response** At the time of this report, the Commission has not yet received a response  
19

20 **General Counsel's Note** Although the Commission has not yet received a response from the  
21 respondent, it appears that this complaint arose out of a technical problem at the Commission,  
22 and not due to any error on the part of the respondent Although the disclosure reports were not  
23 timely posted to the FEC database, the respondent did timely file the three electioneering  
24 communication reports at issue In light of the fact that the delay in the publication of the  
25 disclosure reports was the result of a technical problem on the part of the Commission and not  
26 that of the respondent, the Office of General Counsel recommends that the Commission exercise  
27 its prosecutorial discretion and dismiss this matter  
28

29 **Date Complaint Filed** May 21, 2008

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<sup>1</sup> The advertisements at issue were (1) "Health Care," on April 22, 2008, (2) "In G-d We Trust," on April 29, 2008, and (3) "Obama," on May 2, 2008